

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

O'BRIEN, KELLI ANN

Case No.: 20-00081 jtg
Chapter 7
Hon. John T. Gregg
Hearing: None

Debtor(s)

MOTION FOR SALE OF REAL ESTATE
FREE AND CLEAR OF LIENS PURSUANT TO 11 USC 363
(3785 13 MILE RD NW, SPARTA, MICHIGAN)

Marcia R. Meoli, trustee, by her attorney, states:

1. This case was commenced under chapter 7 of the bankruptcy code on January 9, 2020.

2. Marcia R. Meoli is the duly appointed trustee.

3. The estate includes certain real estate, located in the Township of Sparta, Kent County, Michigan, described as:

SOUTH 415 FEET OF WEST 290 FEET OF EAST 1430.8 FEET OF
SOUTHWEST 1/4, SECTION 17, TOWN 9 NORTH, RANGE 12 WEST.

with a tax parcel number of 41-05-17-300-018 and a common address of 3785 13 Mile Rd, NW, Sparta MI 49345 (the "Property").

4. Trustee received an offer to purchase the Property from Chad Momber, of Sparta, Michigan ("Buyer") for \$163,000 ("Purchase Price"). This Buyer has no relationship to the trustee, the debtor(s), or the creditors of this bankruptcy, the trustee and is not an interested party in this bankruptcy.

5. The sale is on a cash basis and closing will occur within 15 days of entry of an Order approving such sale.

6. The Property shall be sold "AS IS, WHERE IS", without representation or warranty, express or implied, of any kind. Trustee will not be required to inspect, test or report regarding any condition of the Property.

7. These are these secured interests against the Property in the order of their priority: COMPASS CREDIT UNION.

8. There are no other parties which have interests in the Property, besides the debtor and now the bankruptcy estate. Title work shows Chad Erbes, who is the debtor's former spouse. Trustee has the divorce judgment awarding the Property to the debtor.

9. Pursuant to 11 USC 363(f)(3), the Property is being sold for at least the amount of all liens and other interests against it.

10. The sale shall be consummated by Trustee's delivery of a Trustee's Deed, without warranty of title or any other matter. Trustee will pay these costs of sale: commission for realtor (limited to 7% plus administration fee of \$195), owner's title insurance, county and state transfer taxes, recording and related fees for deed, pro ration of taxes and assessments to date of closing. All other costs of sale shall be paid by Buyer.

11. The Property shall be sold free and clear of liens and encumbrances. All such liens and encumbrances shall attach to the sale proceeds in the same order of validity and priority as now exist. All such liens and encumbrances shall be deemed discharged when a copy of the court's order confirming the sale and the trustee's deed are recorded with the appropriate Register of Deeds.

12. The proceeds shall be applied in this manner:

- A. Payment of realtors commissions, closing costs, other costs of sale allocated to the estate.
- B. Next: The approximate amount of \$136,000 to COMPASS CREDIT UNION to pay its lien on the Property in full.

C. Next, 60% of the net proceeds to the debtor for the full exemption in the Property.

D. Next, the balance to the estate.

13. Trustee believes that this sale is in the best interests of the estate. The Property was marketed by a real estate broker and this is the best offer received during the listing time.

14. Time is of the essence with this sale. Trustee therefore requests that the order approving sale be effective upon entry and not stayed for 14 days as provided in FRBP 6004(h) .

WHEREFORE trustee requests that this court:

A. Approve the sale as set forth herein.

B. Grant further relief deemed proper.

March 24, 2021

MARCIA R. MEOLI, PLLC
Attorneys for trustee

By: /S/Marcia R. Meoli_____
Marcia R. Meoli (P42182)

1180 Ottawa Beach Road, Suite A
Holland, MI 49424
616.396.2124